

In the United States Court of Federal Claims

No. 20-413C

(E-Filed: February 11, 2021)

CLARKE HEALTH CARE
PRODUCTS, INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

Pursuant to the court's August 5, 2020 opinion and Rule 52.2(c) of the Rules of the United States Court of Federal Claims, the remand in this matter expired on February 1, 2021. See ECF No. 34. The parties were directed to file a notice "within five days after the conclusion of remand proceedings that sets forth the parties' positions regarding whether further litigation of this matter is necessary." Id. at 10.

On February 9, 2021, the parties filed a joint notice in this case. See ECF No. 58. Therein, the parties state that defendant "has identified two categories of documents that should be added to the administrative record,": (1) "some individual evaluator forms [that] were not included in the previously-filed administrative record because they existed in paper form only, and access to those papers was temporarily barred due to coronavirus concerns"; and (2) "notices of corrective action that the Department of Veterans Affairs filed with the Government Accountability Office in March 2020 [that] were inadvertently not included in the record." Id. at 1. The parties' notice also states that "all parties agree that these documents should be part of the administrative record," and defendant confirms that it "is unaware of any additional documents that should be included in the record." Id. at 2.

Defendant proposes to file these additional documents on or before February 22, 2021. See id. The parties' notice does not address the remand; however, the parties note that "[w]hile awaiting the preparation and filing of these documents, the parties would

like to discuss alternative approaches to resolving this case,” and “propose to file a joint status report regarding the need for further proceedings, and a schedule, on or before February 22, 2021.” Id.

The court commends the parties for their cooperative efforts toward resolving this litigation. For the reasons set forth in the parties’ joint notice, the court shall deem the parties’ joint notice, ECF No. 58, as a joint motion to complete the administrative record; and, allow the defendant until February 22, 2021, to file these administrative record documents and for the parties to file a joint status report.

Accordingly:

- (1) The clerk’s office shall **DEEM** the parties’ joint notice, **ECF No. 58**, as a **joint motion to complete the administrative record** in this case, and filed by leave of the court the date it was submitted, February 8, 2021;
- (2) Once filed, the parties’ joint motion to complete the administrative record, ECF No. 58, is **GRANTED**;
- (3) On or before **February 22, 2021**, defendant is directed to **FILE** the **administrative record (supplement)** including the documents set forth in the parties’ joint motion; and
- (4) On or before **February 22, 2021**, the parties are directed to **CONFER** and **FILE** a **joint status report** proposing the next steps in this litigation. The parties’ joint status report shall indicate the parties’ positions on the continuance of the current stay imposed in this case.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
PATRICIA E. CAMPBELL-SMITH
Judge